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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tom Grason

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WITHERS & KEYS FOR BELL SOUTH

P. O. BOX 71355

MARIETTA, GA 30007-1355

EXAMINER

TRAN, NGHI V

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/985,867	Applicant(s) GRASON ET AL.	
	Examiner Nghi V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,15-18,22-31,34-37 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,15-18,22-31,34-37 and 40-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on May 03, 2006. Claims 1, 5-6, 8, 15, 22, 29, 35, and 42 have been amended. Claims 3-4, 13-14, 19-21, 32-33, 38-39, and 45-46 have been canceled. Therefore, claims 1-2, 5-12, 15-18, 22-31, 34-37, and 40-44 are presented for further examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 8, 15, and 42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. In claims 1, 8, 15, and 42, the applicants wrote "to render a separate news story data file from a subscriber web site which displays a link to a reader selected one of the news stories and without the reader being transferred to a news vendor web site, ..." (emphasized added). The examiner cannot find any support for this limitation. The examiner considers the "without" as a negative limitation. According to MPEP 2173.05

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(i), "Any negative limitation or exclusionary proviso must have basis in the original disclosure". Since the applicant does not positively describe that without the reader being transfer to a news vendor web site, the examiner consider the limitation "without" as a new matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 5-11, 15-18, 22-31, 34-37, 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks, U.S. Patent No. 6,596,031 (hereinafter Parks), in view of Dave Winer, "ScriptingNews 2.0b1," [http://my.userland.com/stories/storyReader\\$11](http://my.userland.com/stories/storyReader$11) (hereinafter Dave).

7. With respect to claims 1, 8, 15, 22, 29, 35, and 42, Parks teaches a system for distributing one or more news stories to a reader [see abstract and figs.2A-D], comprising:

- a computer accessible to the reader, the computer having a display device viewable by the reader [212];

- a web browser executing on the computer, the web browser having a graphical user interface [240];
- a list of titles corresponding to the one or more news stories, the list appearing as a portion of a web page in the graphical user interface [col.8, ln.30 - col.9, ln.3];
- a selection device used by the reader to select to select one of the news stories to view [fig.2A and col.6, ln.64 - col.7, ln.59];
- a news story rendering application [224 and col. 19, lns.4-5] executing on the computer that uses a file associated with the title of the news story selected by the reader to access a news story rendering file that instructs the web browser how to display data in the graphical user interface, and to access a news story data file that contains the data associated with the news story, wherein the news story data file is rendered so that it is viewable in the graphical user interface in accordance with the instructions in the news story rendering file and the data in the news story data file [figs.2A-D; col.6, ln.57 - col.8, ln.65; and col.19, lns.4-5].

However, Parks does not explicitly show a news story rendering application executing on the computer that uses an RSS files associated with the title of the news story.

In a system for distributing one or more news stories to a reader, Dave suggests or discloses a news story rendering application executing on the computer that uses an

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RSS files associated with the title of the news story [i.e. scripting news channel that's produced from the RSS-format file, pages 1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by using the RSS files associated with the title of the news story because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to change to reflect the content in the channel [Dave, page 2].

8. With respect to claims 2, 10, 16, 36, and 43, Parks further teaches an authoring tool [201 and 203 i.e. NSML editor and text editor] for generating the news story [fig.2A].

9. With respect to claim 5, Parks is silent on the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file [pgs. 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

10. With respect to claim 6, Parks further teaches a web-based authoring tool for allowing a contributor to generate a news story [figs.2A-D].

11. With respect to claim 7, Parks further teaches the authoring tool comprises one or more formatting buttons [figs.2C-D].

12. With respect to claim 27, Parks is silent on an XML file comprising a link to the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses an XML file [pgs.5-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because XML-based standard for describing web content other than HTML which is understood by any browser. It is for this reason that one of ordinary skill in the art at the

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time of the invention would have been motivated to modify Parks in view of Dave in order to let web sites exchange content summaries and e-commerce data.

13. With respect to claim 9, Parks further teaches determining the location of the data file comprises the step of determining the location of the data file using a file name of the rendering file [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

14. With respect to claims 11, 17, 24, 31, 37, and 44, Parks further teaches the step of formatting text of the created news story [col.7, ln.13 - col.8, ln.29].

15. With respect to claims 18 and 25, Parks further teaches the authoring tool comprises means to create a link from entered text [fig.2C and col.8, lns.30-56].

16. With respect to claim 28, Parks is silent on the XML file is an RSS file.

In a system for distributing one or more news stories to a reader, Dave discloses the XML file is an RSS file [pgs.1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to

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simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

17. With respect to claims 23 and 30, Parks further teaches editing the information data file prior to approval [col.7, ln.60 - col.8, ln.56].

18. With respect to claim 26, Parks further teaches rolling the information data file out over a computer network [col.7, ln.39 - col.8, ln.66].

19. With respect to claims 34 and 40, Parks further teaches the application extracts and renders a predetermined number of sentences of the news story data file [col.19; lns.4-5 and figs.2A-D].

20. With respect to claims 41 and 46, Parks further teaches means for determining a location of the information data file from information contained in the link data file [figs.2C-D and col.8, ln.30 - col.9, ln.25]; and mean for rendering the information data file on a computer display in accordance with the rendering instructions [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

21. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parks in view of Dave as applied to claim 8 above, and further in view of Anuff et al., U.S. Patent No. 6,327,628 (hereinafter Anuff).

22. With respect to claim 12, Parks is silent on generating a rendering file in conformance with JSP.

In a system for distributing one or more news stories to a reader, Anuff discloses generating a rendering file in conformance with JSP [col.4, ln.36].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Park in view of Anuff by generating a rendering file in conformance with JSP because JSP is slightly more advanced environment in performance, session management, error handling, portability, etc. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Anuff in order to save such costly operations as opening database connections need to be done only once for many HTTP requests. On the other hand, CGI will startup and initialize the entire state of the CGI program.

Response to Arguments

23. Applicant's arguments with respect to claims 1-2, 5-12, 15-18, 22-31, 34-37, and 40-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2151
November 27, 2006


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER